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7 ELASTICSEARCH, INC., et al.,
8 Plaintiffs,
9 v.
10 FLORAGUNN GMBH,
11 Defendant.

Case No. [19-cv-05553-YGR](#) (AGT)

DISCOVERY ORDER

Re: Dkt. Nos. 127, 129

12 This order memorializes the rulings made on the record at today's discovery hearing
13 regarding Elastic's requests for discovery from floragunn relating to the unavailability and recent
14 termination of floragunn's Chief Technology Officer, Hendrik Saly.

15 1. floragunn (including its co-CEOs, Jochen Kressin and Claudia Kressin) must produce
16 “[a]ll communications (including text messages) with Mr. Saly or Mr. Saly's wife during the
17 period of Mr. Saly's alleged unavailability from March 1, 2020 through the present.” To the
18 extent floragunn objects to the production of any responsive document(s) on the basis of German
19 law, it must specifically state the basis for its objection(s) for each document withheld. floragunn
20 shall comply with this paragraph by September 8, 2021.

21 2. floragunn must also produce “[d]ocuments sufficient to show the date, time, and length
22 of all telephone conversations between Mr. and/or Ms. Kressin with Mr. Saly and/or Mr. Saly's
23 wife during the period of Mr. Saly's alleged unavailability from March 1, 2020 through the
24 present,” if such documents exist. If floragunn has nothing responsive, it must say so. floragunn
25 shall comply with this paragraph by September 8, 2021.

26 3. floragunn need not produce its documents and communications concerning go-ffwd
27 GmbH; Elastic has not convinced the Court that this information is pertinent to the ultimate
28 inquiry regarding sanctions.

1 4. Elastic’s request that the Court “order a deposition of [Jochen] Kressin to explore the
2 facts underlying [his] declaration, go-ffwd, and the materials floragunn produces in response to
3 Elastic’s requests above” is denied without prejudice at this time. Elastic may renew this request,
4 if warranted, after floragunn produces the documents ordered above and after the parties have met
5 and conferred.

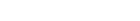
6 5. The Court declines to order the procedure proposed in Elastic's letter brief at Dkt. 115.

* * *

8 Elastic shall have two weeks from floragunn's production to evaluate the sufficiency and
9 adequacy of that production. If there is any dispute arising out of the production, the parties must
10 meet and confer and, if they are unable to resolve their dispute informally, file a joint letter brief.

IT IS SO ORDERED.

12 | Dated: August 17, 2021


ALEX G. TSE
United States Magistrate Judge

United States District Court
Northern District of California